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SPEECH

OF

MR. C. HUDSON, OF MASSACHUSETTS,

ON THE

PORTION OF THE PRESIDENT'S MESSAGE

RELATING TO

THE MEXICAN WAR.

*Delivered in the House of Reps. of the United States, Dec. 16, 1846.*

WASHINGTON:

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1846.

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## SPEECH.

The House, in Committee of the Whole, having under consideration the proposition to refer the President's Message to the different committees—

Mr. HUDSON addressed the House as follows :

Mr. CHAIRMAN : I am fully aware of the charges which I shall draw down upon myself by expressing the views which I entertain upon the subject now before us. The President of the United States himself has set us the example of denouncing as traitors all those who dare to speak their minds upon this floor and in this country; and his flatterers here have followed his example. But, sir, none of these things move me. I look with equal indifference upon the denunciations of the President and of his flatterers on this floor. I will speak my sentiments here or elsewhere, and I will speak them freely. If I believe the Executive is wrong in any of his measures, I will make the declaration. If I believe he has usurped power, and trampled upon the Constitution of the United States, none of the denunciations or sarcasms of gentlemen on this floor will deter me from giving a full expression of my views and feelings. Nothing, I say, that the President can say or do, will deter me in any degree from a full and fair expression of my own opinions. Has it come to this, Mr. Chairman, that a President can arrogate to himself the war-making power, can trample the Constitution under foot, and wantonly involve the nation in war, and the people must submit to this atrocity, and justify him and his course, or be branded as traitors to their country? Why, sir, if this doctrine prevails, the more corrupt an Administration is, if it has the power or the daring to involve this nation in a war without cause, the greater is its impunity; for the moment it has succeeded in committing that outrage, every mouth must be closed, and every one must bow in submission. A doctrine more corrupt was never advanced; a sentiment more dastardly was never advocated in a deliberative assembly. Gentlemen, who profess to be the peculiar friends of popular rights, may advance doctrines of this character, and they may be in perfect accordance with their views and feelings, and in conformity with their democracy, but I have too much of the spirit which characterized our fathers to submit to dictation from any source whatsoever, whether it be a foreign monarch or an American President.

I believe, Mr. Chairman, the first principal declaration contained in the message of the President—that the war exists by the act of Mexico, and that we have taken all honorable means to prevent it—to be an *untruth*; and, entertaining that opinion, I will declare it here; and I will endeavor, in the short time allotted me, to state some of the reasons which lead me to that conclusion.

As to the course, sir, which I shall pursue in future in reference to the prosecution of this war, I will say in advance, that I shall judge for myself when the cases come up. I will endeavor to do the best I can for the occasion; to do my duty faithfully under all the circumstances. But, sir, I believe that, if any of our revolutionary patriots were upon this floor; if they stood here representing any portion of the people, North or South, and my friend over the way, the Chairman of the Committee on Military Affairs, should come forward in the name of the President, and ask for an in-

crease of the army, or a new levy of volunteers to prosecute such a war this, any one of them would say to him, as the stern old Roman said to the emissary of Cæsar:

“ Bid him dishband his legions ;  
 Restore the Commonwealth to liberty ;  
 Submit his actions to the public censure,  
 And stand the judgment of a Roman Senate :  
 Bid him do this, and Cato is his friend.  
 Nay, more ; though Cato’s voice was never raised  
 To clear the guilty or to varnish crimes,  
 Myself will mount the rostrum in his favor,  
 And strive to gain his pardon from the people.”

Such, I believe, would be the language and feelings of those who fought the battles of freedom, or deliberated in the halls of Congress in the early days of the Republic. But enough of this.

The message, Mr. Chairman, declares “ that the existing war with Mexico was neither desired nor provoked by the United States; on the contrary, all honorable means were resorted to to avert it !” This declaration I pronounce an *absolute untruth*; and it will be the object of my remarks to sustain this position. I believe the President, in making that declaration, has made a statement which is not supported, but is in reality contradicted, by the facts in the case. How does the President attempt to sustain this declaration ? Why, sir, the first charge he brings against Mexico is, that she has committed spoliation upon our commerce, and has refused to make reparation. Now, my first remark in relation to this part of the message is, that it is hardly magnanimous in the President of the United States to go behind the treaty of 1839. Suppose Mexico was guilty of faults previous to that period, she confessed those faults in that treaty and promised reparation. That should have induced him to stop short at that period. By the treaty of 1839, a joint commission was created to examine and audit the claims of our citizens. That commission remained in session until the expiration of the period to which it was limited by the treaty; and they awarded to our citizens \$2,026,139. Mexico represented to us subsequently that, owing to the embarrassed state of her finances, she could not conveniently make these payments at the time specified, and another treaty was entered into by the two Governments in 1843, in which it was stipulated that Mexico should pay the interest on this sum up to April 30th, 1843, and then pay the principal, with accruing interest, in five years—to be paid in quarterly instalments. Now, I do not justify Mexico in the course she has pursued subsequently to this treaty. I am willing to admit that her conduct deserves rebuke and censure. At the same time I am compelled to acknowledge that there are some circumstances in this case which go to mitigate the enormity of her proceedings. Such was the condition of the affairs of that country, and such the desire of her Government to meet the instalments provided for in that treaty, that Santa Anna levied a forced loan, apportioned among several of the provinces or departments of that Government, for the express purpose of meeting this indemnity. The first three instalments were paid promptly at the time. When the fourth fell due, Mexico was embarrassed in her circumstances, and unable to meet the demands of our citizens. This state of things continued until another three months expired, when another instalment was payable. She was unable at the time to meet this demand in money; she, however, contends that she has paid the fourth and fifth instalments, and shows the receipt of an agent appointed by our Government to that effect. That agent, however, contends that he received

certain orders or drafts on mercantile houses, having a lien upon the Mexican Treasury, and that these drafts have been dishonored. But let us hear his own words upon this subject. Mr. Voss, our agent, says in a letter to Mr. Slidell :

"For the avowed purpose of liquidating the recognised American claims, General Santa Anna, the head of the Mexican Government, in May, 1843, decreed the collection of a forced loan, to be distributed in certain proportions through the departments of this Republic, and paid at periods corresponding to those stipulated in the convention to that effect with the Government of the United States. This measure, essentially unpopular, could only have emanated from a government as absolute as that of Santa Anna then was : and, even with the aid of his unlimited powers, was very imperfectly enforced, while the temptation to a misapplication of the funds collected amidst the difficulties by which Santa Anna was surrounded, is sufficiently obvious. From these concurring circumstances, the Mexican Government was absolutely unable to pay the instalment which became due in April, 1844; and in July of the same year, when another instalment should have been paid, the incapacity of the Government to fulfil its engagements had become still greater. The arrears due at that period, on American claims, amounted to \$271,661 67.

"About this time public attention was directed to the *Texas question with renewed force* : and amidst the angry excitement which it occasioned, the press found a popular theme for complaint in the payment of the American claims, and freely advocated its discontinuance."

Here we have the declaration of our agent on the spot, that the failure of Mexico is in some degree at least chargeable upon ourselves. We all know that prior to April 30, 1844, the period at which Mexico became delinquent, a treaty was gotten up clandestinely by the President of the United States for the annexation of Texas to this country. It is true that that treaty was rejected by the Senate. But it was immediately made a question before the people, and the candidate of one of the parties—he who is now the President of the United States—was nominated almost solely because he was pledged to annexation. All this was known in Mexico. She saw a direct attempt making by our people to despoil her of what she regarded as one of her own departments—a portion of her republic. This would naturally produce an obstacle in the way of obtaining the means to meet these instalments. The Mexican Government appear to have acted in good faith, as will be seen by their having recourse to a forced loan; and it was not until our folly and madness, in relation to Texas, excited her people, that the Government failed to comply with its treaty stipulations.

Though we were at peace with Mexico, and were required by the law of nations, and our treaty stipulations, not to interfere in the contest between Mexico and Texas, it is a notorious fact that, from the commencement of her revolutionary struggle, our Government permitted our citizens by *companies* to organize and embark at noon-day for Texas, to aid her in her revolution. Newell, a citizen of the U. S., and now a chaplain in our Navy, who spent some time in Texas, and who wrote a "History of the Revolution in Texas," says, "not only in Louisiana, but in Tennessee, in Alabama, in Georgia, and in other States, volunteer companies had been enrolled, and money subscribed in aid of Texas. The chivalry of the South and West was roused, and impatient to rush upon her plains. Already had the "New Orleans Greys," and other volunteer companies from the States, won immortal honor in the fall of Bexar, &c." p. 74.

This interference in her affairs, followed by the threatened annexation of Texas, would naturally exasperate Mexico, and render it more difficult for her to obtain the means to pay this indemnity. She was in fault in this respect, and I fear that an impartial world will not pronounce us faultless in this matter.

But, for the sake of the case, I will admit that Mexico was altogether in

the wrong. She failed to meet her just debts. But I maintain that this, under all the circumstances of the case, was no just cause of war. My friend from Ohio (Mr. GIDDINGS) alluded yesterday to the repudiating States of this Union, and justly remarked, that many of the gentlemen on this floor who were so clamorous for war against Mexico, represented States which had failed to pay their debts, and have given Great Britain the same right to invade their territory and bombard their cities, that we had to attack Mexico, so far as the non-payment of debts is concerned.

I will allude to another instance of repudiation. Mexico is not the only nation which has committed depredations upon our commerce. France, towards the close of the last century, had been guilty of the same acts of violence. We demanded reparation at her hand. She admitted the justice of our claim; but, for a valuable consideration, we released her, and became ourselves obligated to our citizens, who had been despoiled of their property by France. And what has been our treatment towards those citizens? We have turned a deaf ear to their petitions for half a century. But during the last session of the present Congress, a bill was passed granting partial relief to our injured citizens. And what was the fate of that bill after it left this Capitol? We all know that it was vetoed by the President. It was returned with objections of the most extraordinary character, the principal of which were, that the amount due was too large, and had been due too long, and that probably Congress had not properly considered the subject. Here we see the President of the United States pursuing towards our own citizens, the very course of conduct for which he arraigns Mexico; and, according to his own doctrine, they have as just a cause of war against him, as we have against Mexico, on account of her indebtedness.

Another cause of war set forth by the President, is the refusal of Mexico to receive Mr. Slidell. Mr. Chairman, I do not purpose to go into a detailed examination of the correspondence upon this subject.

I will simply say, that Mexico apprized this Government in advance that the annexation of Texas would be regarded by her as an act of hostility. When Texas was annexed, the Mexican minister resident in this country demanded his passports and left the country; and thus diplomatic intercourse between this Government and Mexico ceased. Our Government subsequently sent a message to Mexico to ascertain whether she would open diplomatic relations, and receive a minister from the United States. 'The Mexican minister informed us that, although Mexico had just ground of complaint against the United States for *her conduct in relation to Texas*, she would receive a commissioner to treat *on that subject*. And whenever Mexico spoke of receiving an agent from this Government, she was careful to use the term "commissioner;" and when there is any explanation whatever, any thing to fix the meaning of the term, it is commissioner to treat on the very subject which had been the cause of the suspension of diplomatic relations. A minister was sent to Mexico, but in what character did he appear? In the character of a special commissioner? No; he went as an "envoy extraordinary and minister plenipotentiary," to *reside near* the Government of Mexico. He was authorized not to treat specially upon the subject which had interrupted our diplomatic relations, but upon all subjects in dispute between the two Governments; and he demanded a reception as a resident minister in Mexico, clothed with full powers. To his request Mexico replied, that the intercourse between the two Governments was suspended on account of the annexation of Texas, and if they were to receive



a minister resident in the country, it would be confessing that annexation was no just cause for the recall of their minister; and that they could not do it consistently with their honor and with the usage of nations; that they would receive a commissioner—and they made this declaration to the last—a commissioner to treat upon the subject which had interrupted our relations; and when that was disposed of, they would receive a minister resident. Now, it may be said, that this was special pleading; an afterthought on the part of Mexico. Well, suppose it was; was there not something of the same character on our part? They declared *to the last*, that if we would send a *commissioner* to treat upon the subject which had interrupted our diplomatic relations, they would receive him; and when that was disposed of, they would receive a minister resident. We insisted that they must receive a minister resident, or none at all. Now, here are the facts in the case. I do not undertake to decide which was in the right, and which in the wrong: there seems to be a little *special pleading* on both sides of the question. One nation or the other ought to have yielded. With our means, our character and standing before the world, we could have afforded to be generous, better perhaps than Mexico.

Admitting, however, that Mexico was more in the wrong than we, I contend that there was no just cause of war in this case. Any nation, if she pleases, has a right to stand in an independent position, and refuse to open diplomatic relations with other Powers. It may be unwise in them to do it; but I have yet to learn that it is a just cause of war. There has been a little black republic in our own neighborhood, with whom we have refused to interchange these civilities. The subject has frequently been brought up in this House, and voted down by the very men who feel so indignant towards Mexico because she would not receive Mr. Slidell as resident minister. China, I believe, to this day, receives no minister resident near her seat of government from any nation whatever. This may be folly, but it is not such a crime as will justify a war.

But the gravest charge brought forward by the President, and one which deserves more consideration than any other, is this: *Mexico passed the boundary of the United States, invaded our territory, and shed American blood upon American soil.* If this charge was sustained, I admit that it would furnish a just cause of war. But this statement of the President, bold and frank, plain and intelligible as it is, is unfortunately wanting in justice and *truth*. The facts in the case do not in any degree sustain the President, but they are totally irreconcilable with his position, as I shall attempt to show.

Mexico passed our boundary! Our army, by the unjustifiable orders of the President, passed the boundary of Mexico. Mexico commenced hostilities! The President himself was the aggressor. He ordered the army into Mexico; he commenced hostilities, not only without law, but in direct violation of the first principles of our organic law—exercising the war-making power, and thereby trenching upon the prerogative of Congress; and that too, while they were in session, and could have been consulted at any moment.

This is a just statement of the case. I will, however, give the President the full benefit of all the arguments he employs, and all the statements he makes in support of his position.

In the first place, however, I wish to say that Texas, whatever were her boundaries, held by the right of revolution. As my friend from Tennessee (Mr. GENTRY) observed, just as far as she extended her authority by the

sword, and was able to maintain her jurisdiction, there her boundaries are to be sought. It matters not whether she was originally bounded by the Nueces or the Rio Grande; the question as to her original boundary is entirely superseded. She rebelled against the parent country; and just so far as she extended her arms and maintained her authority, just so far were her boundaries extended. She held her territory by the title by which she held herself—the *right of revolution*. But, while her boundary was formerly the Nueces, I admit she did extend her authority over that river, so as to include Corpus Christi, and a few small settlements on the western bank of that river. I make this statement in advance, because the argument of the President, which I shall have occasion to notice hereafter, requires that this fact be kept distinctly in view.

I say, then, that the boundary of Texas, in this part of her dominion, was confined within the immediate valley of the Nueces. She made several attempts to extend her authority beyond, but she was unsuccessful; her forces did, in some instances, penetrate into the country beyond that valley, but they were utterly destroyed, captured, or put to death; and in every expedition beyond that point Texas utterly failed.

But now for the President's arguments in support of his position. And what are they? Texas (he says) was included originally in the Louisiana cession. Well, suppose that true—what then? Why, it has nothing to do with the question. If Texas once belonged to the United States, it was ceded to Spain, and hence we have no claim to it on that account. Then, the President speaks of the treaty with Santa Anna. I shall not, Mr. Chairman, dwell upon this subject. My first remark is, that there was no treaty made with Santa Anna—nothing that deserves the name of *treaty*. In the second place, he was a prisoner, and not so competent to treat; and, third, if a treaty had been made and ratified, that treaty was violated by Texas herself; for one of the principal reasons why Santa Anna was induced to enter into that treaty, arrangement, or whatever it may be called, was, that he should be liberated and sent under the protection of Texas to Vera Cruz. He did embark for that city, but the populace demanded his detention, and he was taken from the vessel; he was brought back into Texas and kept a prisoner in close confinement. He himself makes this charge against the Texan Government, and the President of Texas admits it to be true, and *regrets the occurrence*. So that, if a treaty had been entered into, the violation of treaty by Texas is a good reason why it should have no binding force. But there never was a treaty: there was an arrangement, no doubt, between General Houston and Santa Anna: but what is perfectly conclusive upon this subject is, that this very agreement provided that it should be submitted to their respective governments for ratification, and Mexico refused to ratify it, and hence it was null and void.

But the President says that the Texan Congress, in 1836, when fixing their limits, declared that the Rio Grande, from its mouth to its source, was their western boundary. And he spreads this before the country and before the world as an argument to justify us in our claim to the Rio Grande. Now, Mr. Chairman, if the President of the United States, a lawyer in his own country, should be called upon by one of his clients, and asked whether he could prosecute a claim successfully against a neighbor to a portion of land: and at the same time should inform him that he had no other title to it than the declaration of the individual from whom he had received his quit-claim deed, do you suppose he could hesitate a single moment in telling him that he had no cause whatever? I do not believe that there is

a pettifogger in the country who would hesitate to declare that there was no foundation for the claim. And still the President of the United States, the head of a great nation, in a public document, spread before the country and the world, as a justification of an act of war, brings forward that consideration, as evidence that the country to the Rio Grande was ours! Who does not blush for the honor of his country under circumstances like these!

But the President says this was claimed by Texas—that Texas declared the Rio Grande to be her western boundary. Well, Mexico declared the Sabine to be her eastern boundary. And what does that prove? As much in one case as in the other. The declaration of Mexico is as conclusive as that of Texas; neither of them deserves one moment's consideration. And the President himself, by admitting that New Mexico was a department of Mexico, and Santa Fe its capital; and that it was conquered by our arms, virtually admits that this argument is deserving of no consideration. He knows that boundaries can be established only by treaty or by the sword, and that neither of these can be alleged in favor of the claim of Texas to the Rio Grande.

But there is another argument of the President which deserves notice, and it is this: Texas, says he, had extended her authority *beyond the Nueces*, and, to sum up all his declarations, because they all fall under the same general principle, they amount to this: Texas had extended her jurisdiction beyond the Nueces; she had a custom-house at Corpus Christi, on the immediate western bank of that river; the people living on that river, in the immediate valley of the Nueces, had been represented in the Texan Congress, and had assented to annexation to the United States, and were included within one of the congressional districts of Texas; the United States, by an act of her Congress, had established a custom-house at Corpus Christi: all these things were true just over the river, on the west bank, in the immediate valley of the Nueces, and therefore—therefore what? Therefore we had a title to the country some one hundred or hundred and fifty miles further, to the Rio Grande, where not one of these declarations will hold good! Beyond the Nueces, and *therefore* to the Rio Grande! Now, what kind of logic is this?

Why, Mr. Chairman, suppose that a question had arisen before the Virginia portion of this District had been re-ceded, involving the boundary of the District, and it could be proved that the District extended south of the Potomac; that Alexandria and Jackson city were subject to the laws of the District; and from this it should be inferred that the District extended to the Mississippi—what would be thought of such an argument? It would be treated with deserved ridicule. But this is the logic of the message. Beyond the Potomac, and therefore to the Mississippi—is just as sound as beyond the Nueces, and therefore to the Rio Grande.

*Beyond the Nueces, and therefore to the Rio Grande!* Who does not see the utter absurdity of such reasoning? And yet this is all that there is in the President's boasted argument. He states several facts, which he knows will apply to Corpus Christi and a narrow strip of land on the west bank of the Nueces, and to this *alone*; and then, because they are *beyond* the Nueces, he would have us believe that the saying not the over the whole country to the Rio Grande, which every one knows to be a fact. And yet, by this artful and deceptive statement, the Executive attempts to hide his own misconduct, to cover up his gross usurpation. I speak plainly on this subject, for the occasion demands it; and the cry of traitor from the President himself shall not deter me.

I have now examined all the arguments adduced by the Executive to prove our title to the whole country to the Rio Grande; and, if they have any force, I confess I have been unable to perceive it. But, while the Executive has failed to prove our title to the Rio Grande, and therefore failed to justify his own conduct in ordering General Taylor to that river; there is abundant evidence that the valley of the Rio Grande never belonged to Texas, and hence does not belong to the United States; and this evidence must be known to the Executive. Did he not know that Santa Fe was on the eastern side of the Rio Grande, and that we had in a great variety of ways acknowledged that that was a Mexican city? Did he not know that our Government interceded with Mexico for Kendall and other American citizens taken in the famous Santa Fe expedition; and that in that correspondence we admitted that New Mexico was justly a part of the Mexican Republic? Was he ignorant of the fact that we had a consul residing at Santa Fe, and that by an act of our Congress, passed March 3d, 1845, in relation to drawbacks, we provided that goods sent to *Santa Fe, in Mexico*, should be entitled to that drawback? Has he forgotten the fact that Mr. Secretary Walker, in his report on the finances, in December last, speaks of the operation of that act, and recognises Santa Fe as a part of Mexico? All these facts are well known to him, and hence he tells us in this very message that General Kearney had taken New Mexico and Santa Fe, *its capital*, and established a territorial Government there. What, then, becomes of his argument, founded on the act of the Texan Congress, that the Rio Grande from its mouth to its source, was their western boundary. That argument is just as good on one part of the river as on the other; just as strong in New Mexico as in Tamaulipas; as conclusive at Santa Fe as at Santiago. The President in one part of his message admits its falsity in New Mexico, and hence yields the whole argument.

All the documents connected with this whole matter show that the boundary of Texas could not have been the Rio Grande. The Tyler treaty seemed to take it for granted that we should hold the whole country; but Mr. Calhoun, more sagacious than the President, was careful to inform the Mexican Government that the *boundary was open to treaty*, and would be settled on liberal terms. Mr. BENTON, in discussing that treaty, showed most conclusively that Texas never owned within a hundred miles of the Rio Grande; and so forcible was his argument, that when the joint resolution was prepared the language was guarded: "*The territory properly included within and rightfully belonging to Texas.*" And it was further provided that, when erected into a State, the General Government will claim the right of settling all *questions of boundary* that may arise with other Governments; and the President, in his war message of May last, says that he gave Mr. Slidell full power to settle the question of *boundary*, and could not consent to have the question of *boundary* separated from that of our claims upon Mexico.

Now, sir, all these provisions about *boundary* are perfectly senseless on the supposition that the Rio Grande is the true boundary. If we justly own the river, the boundary is already settled, and requires and allows no negotiation upon the subject. Every document submitted by the President himself shows the incorrectness of his oft-repeated declaration, that Mexico invaded the United States, and convicts him of a gross misrepresentation.

The correspondence between Mr. Donelson, our Charge in Texas, and our Government, submitted by the President in his annual message of De-

cember 2, 1845, contains conclusive evidence of the futility of our claim to the Rio Grande, the utter falsity of the President's declaration.

Mr. Donelson, writing to Mr. Buchanan from Galveston, under date of June 2, 1845, says: "It is believed that Mexico is concentrating troops on the Rio Grande, *where Texas as yet has established no posts.*"

Under date of June 23, 1845, Mr. Donelson says to the Secretary: "The territory between the Nueces and the Rio Grande, you are aware, has been in possession of both parties. Texas has held in peace Corpus Christi; Mexico has held Santiago. Both parties have had occasional possession of Laredo, and other higher points. Mexico, however, has threatened a renewal of the war for the whole of Texas, if she accepts the proposals for annexation to the Union. If she undertakes such an expedition, she of course puts upon the hazard of war the whole claim, and *gives us the right of going not only to the Rio Grande, but wherever else we may please.*"

Here, Mr. Chairman, we have the confession of our own agent, sent to Texas to look after our interests, and to learn the facts in the case, *that Texas had no posts on the Rio Grande*; that Mexico held Santiago, and that our right to go to the Rio Grande would exist *only in case of a successful war with Mexico*, which would in fact give us the same right to go anywhere else in Mexico.

The same confession is made in his note to the Secretary, under date of July 2, 1845: "My position is, that we can hold Corpus Christi and all other points up the Nueces. *If attacked, the right of defence will authorize us to expel the Mexicans to the Rio Grande.* It is better for us to await the attack than incur the risk of embarrassing the question of annexation with the consequences of immediate possession of the territory to the Rio Grande. You will find that I have guarded every point."

In a letter to General Taylor, June 28th, Mr. Donelson uses nearly the same language: "The occupation of the country between the Nueces and the Rio Grande, you are aware, is a disputed question. Texas holds Corpus Christi; Mexico holds Santiago, near the mouth of the Rio Grande. The threatened invasion of Texas, however, by Mexico, is founded upon the assumption that Texas has no territory independent of Mexico. You can safely hold possession of Corpus Christi and all other points up the Nueces, and if Mexico attempts to dislodge you, drive her beyond the Rio Grande."

Here we have the repeated confessions of an agent on the spot, who "guarded every point," and attempted to make the most of his case, that Texas had no possessions west of Corpus Christi, and the other points up the river Nueces; and that we could rightfully approach the Rio Grande, where Mexico was in possession, only in case of repelling an attack and pursuing her defeated forces.

The President in his message has referred to the offer of Mexico to acknowledge the independence of Texas on certain conditions, and maintains that that act of Mexico is binding upon her, though it was not accepted or carried out by Texas. I shall not at this time attempt to controvert the doctrine, but will content myself with saying, that if the treaty be valid for one purpose, it is for another. If it settles the question of Texas independence, it establishes the fact that Texas had no settled western boundary like that of the Rio Grande. The preliminary treaty, if such can be called, provides, in its 3d and 4th articles, as follows:

"3. Limits and other conditions to be matter of arrangement in the final treaty."

"4. Texas will be willing to remit *disputed points respecting territory*, and other matters, to the *arbitration of umpires*."

This preliminary treaty, signed by the Texan Secretary of State, and approved by their President, does not presume that the western boundary of Texas is the Rio Grande. On the contrary, it admits that the boundary is in dispute, and is a fair subject for reference to an arbiter.

But let us see the comment of Mr. Donelson on this subject. Texas wished to have the United States take military possession up to the Rio Grande; but Mr. Donelson, in his note to Mr. Buchanan, July 11, 1845, says:

"The proclamation of a truce between the two nations, (Mexico and Texas,) founded on a proposition mutually acceptable to them, leaving the question of boundary not only an open one, but *Mexico in possession of the east bank of the Rio Grande*, seemed to me inconsistent with the expectation that, in defence of the claim of Texas, our troops should march immediately to that river. What the Executive of Texas had determined not to fight for, but to settle by negotiation, to say the least of it, could be as well left to the United States on the same conditions."

It seems that Texas was anxious, after we had made the proposition of annexation, to commence some military expedition, that she might thereby extend her limits, or at least confirm her old preposterous claim. Our chargé in Texas discouraged them in relation to any such movement; and in giving his views to our Government on this subject, in the same letter of July 11th, he says: "It was apparent that no military expedition, within the power of Texas to start at that late period, could have placed *the entire question of limits beyond the necessity of future negotiation, after the acceptance of our proposals*. The boundary of Texas, as defined by her statutes, runs up the Rio Grande from its mouth in the sea to its source, *cutting off portions of Tamaulipas, Coahuila, and New Mexico*. Above the point on the Rio Grande, where it enters New Mexico, *there has been no occupancy by Texas*; and it is obvious, so far as that region is concerned, that no military movement could have taken it out of the category in which it is left by the terms of our joint resolution. So, whatever might have been the success of the attempt to *drive the Mexicans from Laredo and other lower points, the difficulty would have remained the same in regard to the extensive Santa Fe region above*."

Now, it will be seen by this confession of our Chargé, made to the Secretary of State, that Texas never had any possession in New Mexico; that the Texan boundary, as described in her statute of 1836, cuts off a large portion of three other provinces or departments of Mexico; that the Mexicans were at that time in possession of "Laredo and other lower points," and that no military movements could alter this state of facts, or "place the entire question of limits beyond the necessity of future negotiation, after the acceptance of our proposals." This is expressly admitted by Mr. Donaldson; and so fully satisfied is he that we have no clear title to the country to the Rio Grande, that he immediately falls back upon his favorite ground, *of obtaining it by conquest*. "If Mexico undertakes the invasion," says he, "Texas would then have an immediate right, and so will the United States, to repel the invasion, and, in doing so, Mexico may be disarmed by the occupation of the Rio Grande by our troops, or by any other surrender which the circumstances of war may point out as essential to the future preservation of peace and security."

But the proof of the falsity of the President's position does not stop here. Not only the documents submitted with his annual message, but the documents submitted with his war message in May last, contain a perfect refutation of his declaration. The following general order shows so conclusive-

ly that Mexico was in possession in the valley of the Rio Grande, that I will give it entire:

"WAR DEPARTMENT, July 8, 1845.

"SIR: The Department is informed that Mexico has some military establishments on the east side of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression, unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be disturbed as long as the relations of peace between the United States and Mexico continue.

WM. L. MARCY.

"Brig. Gen. Z. TAYLOR."

General Taylor, in his official despatch to the Department of War, under date of February 26, 1846, says:

"I have taken occasion to represent to some citizens of Matamoras that the United States Government, in occupying the Rio Grande, has no motive of hostility towards Mexico, and that the army will, in no case, go beyond the river, unless hostilities should be commenced by the Mexicans themselves; that the Mexicans living on this side will not be disturbed in any way by the troops; that they will be protected in all their rights and usages; and that every thing which the army may need will be purchased from them at fair prices. I also stated that, until the matter should be finally adjusted between the two Governments, the harbor of Brasos Santiago would be open to the free use of the Mexicans, as heretofore. The same views were impressed upon the Mexican custom-house officer at Brasos Santiago by Capt. Hardee, who commanded the escort which covered the reconnaissance of Padre Island."

General Taylor, in his subsequent letters, informs the Executive that, on his way from Corpus Christi to the Rio Grande, he was met by the Mexican cavalry, whose commander informed our officers that our crossing the Arroyo Colorado would be considered as an act of hostilities; that he was also met by a civil deputation, protesting against his occupying the country; that, in approaching Point Isabel, he found the place in flames; that the port captain committed the act; that they "found two or three inoffensive Mexicans there, the rest having left for Matamoras."

These despatches from General Taylor leave no doubt as to the possession of the country in the valley of the Rio Grande. The Executive says that Mexico has military posts there, and General Taylor says that he found Mexican soldiers in the country; that there was a Mexican custom-house at Brasos Santiago; that the Mexicans had free use of the port and harbor; that the port captain at Point Isabel had fired the town; that the Mexicans who were living on the east side Rio Grande should not be disturbed; and, finally, that they might understand his policy, he issued his proclamation to that effect; and, as they were *Mexicans*, he issued it in *their language*.

All these facts show, beyond a doubt, as it seems to me, that our claim to the whole country to the Rio Grande is based on no solid foundation. All these facts were of course known to the Executive, for they are found in documents submitted by himself to Congress. And yet the President, trampling upon the rights of a co ordinate branch of the Government, and so violating the Constitution he had sworn to support, orders the army into the country of a nation with whom we are at peace; and the commanding general, acting under his orders, erects a fort and mounts his cannon within the range of a Mexican city; blockades the Rio Grande, so as to cut off supplies from the Mexican army at Matamoras; sends out a force under Captain Thornton, which is believed to have commenced the attack; and to turn public attention from his own acts of usurpation, the President comes before Congress in a message, appealing to the sympathies of the public, and declares that Mexico has invaded the United States and shed American blood upon American soil!

Now, Mr. Chairman, is it not humiliating does not every American

blush for the honor of his country, when he sees the Executive put forth a document like the message before us, not only unsustained by facts, but in direct opposition to facts, as a justification of the war in which we are now engaged? "The Mexicans invaded the United States!" Let the President, or let the President's friends, have it under the most favorable circumstances the facts will admit. Allow, if you please, that the boundary was in dispute, and how stands the case? Why, the boundary is in dispute, but Mexico is in *possession*: and while there is a controversy, a dispute, possession furnishes a good title; possession in law is always a good title against a trespasser.

The Texas annexed to the United States extended no farther west than the immediate valley of the Nueces. Between that valley and the valley of the Rio Grande, is a desert unsettled country. But, when you approach the Rio Grande all is Mexican—Mexican people, speaking the Mexican language, obeying Mexican laws, and owing allegiance to the Mexican government. The Mexicans had civil and military possession, and there our merchants and traders had been paying duties to Mexican custom-house officers. It was so well understood here in Congress, at the time that we passed the resolutions of annexation, that Texas did not extend to the Rio Grande, that the chairman of the committee who introduced the resolution of annexation, Mr. C. J. INGERSOLL, declared in his opening speech that "the territorial limits of Texas are marked in the configuration of this continent by an Almighty hand. The stupendous deserts between the rivers Nueces and Rio Grande are the natural boundaries between the Anglo-Saxon and the Mauritanian races. There ends the valley of the West. There Mexico begins. While peace is cherished, that boundary will be sacred. *Not till the spirit of conquest rages, will the people on either side molest or mix with each other.*"

Now, with all these facts staring him in the face, what induced the President to take this course? My friend from Tennessee (Mr. GENTRY) has pointed out, unquestionably, the principal motive of action in this case. The President wished to distinguish his administration, and he wished to distinguish it by a further accession of territory; he wished to acquire a large portion of territory in that section of the Union, in order to give the South a perpetual preponderance in the councils of the nation. That was unquestionably the motive which led him to take that step; and the danger of that policy has also been alluded to by my friend this morning; and the danger is imminent. The vote taken in this House at the close of the last session, is a fair exponent of the feelings of the country. And I will tell gentlemen, North and South, that if these Mexican provinces are to be annexed to the United States, a question will grow out of that annexation momentous in its character, and one which may lead to a calamity greater than the war with Mexico, or any other which has befallen the country. There is a deep feeling in the country against the extension of slavery. There are thousands upon thousands in the northern section of this Union (and I wish to no fanatics, but to sober, deliberate, and substantial men—men means in the good of the country at heart) who would resist, by every means, if they had power, the establishment of slavery in these Mexican provinces, both strong and weak, could be annexed to these United States. This feeling is tributary daily to the increase of that feeling. Let this war go on, let victory crown our arms till Mexico shall yield up a large portion of her territory; and I fear that our success would be more dangerous to us than defeat: we



should have questions of internal regulations, which would be more difficult to settle than the boundary between us and Mexico.

The action of this House on the two million appropriation should teach gentlemen a lesson. When that sum was asked for, the friends of the President, south of Mason and Dixon's line, came forward in a transport at the glorious prospect of peace; and they called upon us to forget all party ties and go with them in a body; that the President might be enabled to conclude an honorable treaty. But when a certain proviso was incorporated into the bill, every man of them took the alarm, and opposed its passage. They knew at the time that, if the Executive wanted this money to bribe Paredes, or to hire Santa Anna to return to Mexico, or to fan the flames of discord, or sow the seeds of revolution in that country, or if it was wanted for the purchase of territory, it would be just as available with that proviso as without. That amendment applied to but a single subject—the extension of involuntary servitude—and the united vote of the President's friends in the South shows with what importance they regarded that provision. And let me say, Mr. Chairman, that the South are not alone in their estimate of this question. When it comes before the people, the North will be as united as the South. It will become a question on which there can be no compromise, and the integrity of the Union may be involved in the issue.

The Northern and Southern wings of the Democratic party ought to deal fairly with each other on this subject. If the Southern wing are determined to establish slavery in any territory they may acquire by the war, let them inform their Northern friends of that determination, that there may be no misunderstanding between them. They owe it to each other and to their respective constituencies to come out plainly upon this subject. But neither wing of the party dares to commit itself openly; they both know that whenever they come out distinctly, and, like men, declare their determination, they must break with each other or with their own respective constituencies. Let Northern men say that they will vote for the establishment of slavery in any of the territory in question, and they will have an account to settle at home which will require all their attention and resources. The people are farther advanced on this subject than their representatives.

Now, Mr. Chairman, as this whole subject of acquisition of territory is fraught with so much danger, is it not the dictate of duty and of patriotism to consider it well, and to do it in advance? One false step at the outset may lead to the most fatal consequence. The very agitation of this question has wrought a mighty change in public opinion within the last six months; and if we go on conquering and to conquer, our friends, who are anticipating such *favorable results* from the acquisition of southern territory, may find, when it is too late, that their joy may be turned into mourning, and their mirth into heaviness. They may find agitations at home more to be dreaded than the armies of Santa Anna, and commotions in the midst of them more sanguinary than the revolutions in Mexico. They may find that "conquering a peace" abroad may disturb harmony at home, and "dismembering one Republic may rupture another. If we are to rush into foreign conquests, we may bring upon our own country evils which no patriot can contemplate but with tears.

That the present war is one of conquest there can be no doubt. The letter which has been read this morning, addressed to the Secretary of War, puts that question beyond all doubt. That letter is well understood by the public; and it amounts substantially to this: Mexico must be



or by revolution. A regiment of armed emigrants must be sent to California; they must be enlisted with an express condition that they are not to return home; they will be sent into California to remain during the war. If that province falls into our hands during the war, or is ours on the return of peace, they are to remain in that country; if it is not ours, they will, at the conclusion of the war, be marched just across the line into Oregon, and discharged, with the express understanding that they will immediately return to California, raise the standard of revolt, declare themselves independent, and, Texas-like, be annexed to the United States. Such, beyond controversy, was the design of that enterprise; and it shows how low a weak or wicked administration may stoop. If we were dealing with the Power before whom the President was disposed to quail in the settlement of the Oregon question, the Administration, even after the return of peace, might be called upon for an explanation, if such a letter as that of Secretary Marcy should come to their knowledge, and have reference to any of their possessions. The newly organized governments in New Mexico and California, under the direction of the Executive no doubt, show the object for which the war is prosecuted.

But the President assures us that he does not wish to dismember Mexico, and is ready to make peace. But on what terms? Mexico, we are told, must pay the expenses of the war. Now, every one knows the poverty of that distracted country. Her finances are so deranged that she is scarcely able to support her army in the field: so poor, that the main hope of the return of peace is founded upon her inability to support the war. Does the President believe that Mexico can pay us fifty millions of money to reimburse us for the expenses of the war? Does he not know her utter inability to meet such a demand in specie? Did he not inform us in his two million message that Mexico was so poor that she could not conveniently wait till the treaty was ratified; and, therefore, he desired the two millions so as to be able to pay her in advance, to keep her army quiet until we could recall our troops? Mexico pay the expense of the war! This amounts to a declaration that she must yield up her territory—the only means of payment at her disposal. And so intent is the President upon despoiling Mexico of possessions, that he has declared to the world that he will prosecute the war with vigor; that he will consent to no armistice, but will continue the work of butchery and conquest even after a treaty of peace shall have been signed by both nations! The war will continue to be prosecuted with vigor until a treaty of peace shall be signed by the parties, and *ratified by the Mexican Government*. This avowal was distinctly made in his two million message—an avowal worthy only of the ages of barbarism. If this Administration is not checked in its mad career; if the President is allowed to exercise any and every power which may further his ambitious designs, the day is not far distant when our free Government will exist only in name. Shall he be permitted to go on without rebuke; or shall the People's Representatives assert their right? It is true that all who speak freely will be regarded as traitors; but the People will decide whether devotion to our Constitution may not be as effectually exhibited in defending our Constitution as in attacking it under foot.



